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**From:** Doa, Maria [Doa.Maria@epa.gov]  
**Sent:** 11/19/2020 8:41:28 PM  
**To:** Bussard, David [Bussard.David@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Slimak, Michael [Slimak.Michael@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Ross, Mary [Ross.Mary@epa.gov]  
**Subject:** RE: Petition to withdraw a guidance document

You are correct. RAF documents are not guidance. That is why we are now being careful to use the term "guidelines" in referring to RAF docs

Maria J. Doa, Ph.D.  
Director  
Science Policy Division  
Office of Science Advisor, Policy and Engagement  
Office of Research and Development

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**From:** Bussard, David <Bussard.David@epa.gov>  
**Sent:** Thursday, November 19, 2020 3:39 PM  
**To:** Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Slimak, Michael <Slimak.Michael@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Ross, Mary <Ross.Mary@epa.gov>  
**Subject:** RE: Petition to withdraw a guidance document

I'll read the petition.

**Ex. 5 Deliberative Process (DP)**

The Executive Order related to guidance that created de facto regulatory requirements on external parties. I understood EPA concluded that RAF risk assessment guidelines did not create de facto regulatory requirements on external parties, but were guidance to EPA. Susan Burden in OSAPE was I think involved in those deliberations.

David Bussard

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**From:** Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>  
**Sent:** Thursday, November 19, 2020 3:05 PM  
**To:** Slimak, Michael <Slimak.Michael@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>  
**Subject:** RE: Petition to withdraw a guidance document

And they threw in risk characterization guidelines and the peer review handbook too.....

Jennifer Orme-Zavaleta, PhD  
Principal Deputy Assistant Administrator  
Office of Research and Development  
US Environmental Protection Agency

DC 202-564-6620  
Cell 919-699-1564

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**From:** Slimak, Michael <Slimak.Michael@epa.gov>  
**Sent:** Thursday, November 19, 2020 3:04 PM

**To:** Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>

**Subject:** FW: Petition to withdraw a guidance document

After further review . . . CBD is indeed asking to withdraw the Eco Risk Guidelines. The OCSPP document is more than guidance it has to do with pesticide registration actions and is viewed as a rule. The Eco Risk Assessment guidelines are guidance and not the same as a rule.

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**From:** Slimak, Michael

**Sent:** Thursday, November 19, 2020 2:52 PM

**To:** Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Ross, Mary <Ross.Mary@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>

**Subject:** RE: Petition to withdraw a guidance document

The OCSPP guidance is specifically about endangered and threatened species which has been problematic. It's not a petition to withdraw the Eco Risk Assessment Guidelines. The Center for Biological Diversity has been hammering OPP for years for failure to adequately protect T&E species.

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**From:** Frithsen, Jeff <Frithsen.Jeff@epa.gov>

**Sent:** Thursday, November 19, 2020 2:41 PM

**To:** Slimak, Michael <Slimak.Michael@epa.gov>

**Subject:** FW: Petition to withdraw a guidance document

**Importance:** High

Petition calls for the Agency withdrawing the 1998 Ecological Risk assessment Guidance document

**Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Jeffrey B. Frithsen, Ph.D.  
National Program Director  
Chemical Safety for Sustainability Research Program  
Office of Research and Development (8101R)  
202-564-3512 (office phone and alternate work location)  
410-336-8535 (cell phone and alternate work location)

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**From:** Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>

**Sent:** Thursday, November 19, 2020 2:35 PM

**To:** Ross, Mary <Ross.Mary@epa.gov>; Doa, Maria <Doa.Maria@epa.gov>; Bussard, David <Bussard.David@epa.gov>; Frithsen, Jeff <Frithsen.Jeff@epa.gov>; Rodan, Bruce <rodan.bruce@epa.gov>

**Cc:** Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Hubbard, Carolyn <Hubbard.Carolyn@epa.gov>

**Subject:** FW: Petition to withdraw a guidance document

**Importance:** High

Sharing this. Mary, calls for withdrawing several Agency level guidance documents. Would appreciate your thoughts here on any merits to the request or not – likely to have follow up

thanks

Jennifer Orme-Zavaleta, PhD  
Principal Deputy Assistant Administrator  
Office of Research and Development  
US Environmental Protection Agency

DC 202-564-6620  
Cell 919-699-1564

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**From:** Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Sent:** Thursday, November 19, 2020 2:28 PM  
**To:** Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>  
**Subject:** FW: Petition to withdraw a guidance document

FYI: While focused on an OCSPP document, the incoming letter also mentions a document produced by the Risk Assessment Forum.

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**From:** Brett Hartl <BHartl@biologicaldiversity.org>  
**Sent:** Thursday, November 19, 2020 10:00 AM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>  
**Cc:** Messina, Edward <Messina.Edward@epa.gov>  
**Subject:** Petition to withdraw a guidance document

Ms. Dunn, Mr. Keigwin,

Please accept the following petition to formally withdraw the *2004 Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, U.S. Environmental Protection Agency—Endangered and Threatened Species Effects Determinations*. As our petition notes, EPA has already failed to post this document to the Guidance Portal, and therefore it has already been deemed rescinded by the Trump Administration, we are simply ensuring that this withdrawal remains permanent.

A hard copy will be mailed to the appropriate physical address just as soon as EPA provides one to the public, something it explicitly said it would do under the final rule that became effective today, but has failed to do as of yet. Because the EPA portal requires a “unique identifier” and this document does not have one, we can only submit it via U.S. mail. This is a courtesy copy of our petition.

Please also extend my thanks to Administrator Wheeler. The Center has been looking for a legal hook to get rid of the 2004 Guidance for many, many years. Without Mr. Wheeler’s ideological fanaticism and blind acceptance of right-wing dogma, we would never have had this opportunity. We are truly fortunate such an imbecile is running the EPA. We look forward to suing EPA regardless of how you respond. Deny the petition, we will sue over the denial and the arbitrary nature of the Wheeler rule. Ignore the petition, we will sue over failure to respond and the inconsistent application of the Wheeler rule. Accept the petition, don’t worry, we will still sue.

Sincerely,

Brett Hartl  
Government Affairs Director  
Center for Biological Diversity  
202-817-8121